## Chapter VI

### ADOPTED PLANS AND LAND USE REGULATIONS

#### INTRODUCTION

The Waukesha County development plan is intended to refine and detail the regional land use plan, taking into account and integrating, as appropriate, existing County and local development objectives. An understanding of both regional development objectives and of County and local development objectives is therefore essential to the preparation of a sound County development plan. Accordingly, this chapter provides a brief description of the regional land use plan and various supporting functional plan elements which have been prepared to date as they pertain to Waukesha County. In addition, this chapter describes land use plans and land use control ordinances which have been adopted by the County and the cities, villages, and towns within the County and which provide an expression of County and local development objectives. This chapter also describes certain locally established special-purpose districts, including tax incremental financing districts (TIFs), town sanitary districts, public inland lake protection and rehabilitation districts, business improvement districts (BIDs), and redevelopment areas, which provide further evidence of local development or redevelopment objectives for the areas concerned.

#### AREAWIDE PLANS

Since its creation in 1960, the Southeastern Wisconsin Regional Planning Commission, the official areawide planning agency for the seven-county Southeastern Wisconsin Region which includes Waukesha County, has, in accordance with its statutory charge, pursued the preparation of an advisory comprehensive plan for the physical development of the Region. This has been achieved through the systematic formulation of those elements of such a plan most important to the developmental and environmental problems faced by the units and agencies of government operating in the Region. The regional land use plan, complemented by various functional plans for transportation, parks and open space, water quality management, flood control, airports, and housing, is intended to serve as an overall guide to the physical development of the Region. The findings and recommendations of these regional comprehensive plan elements have important implications for the County development plan.

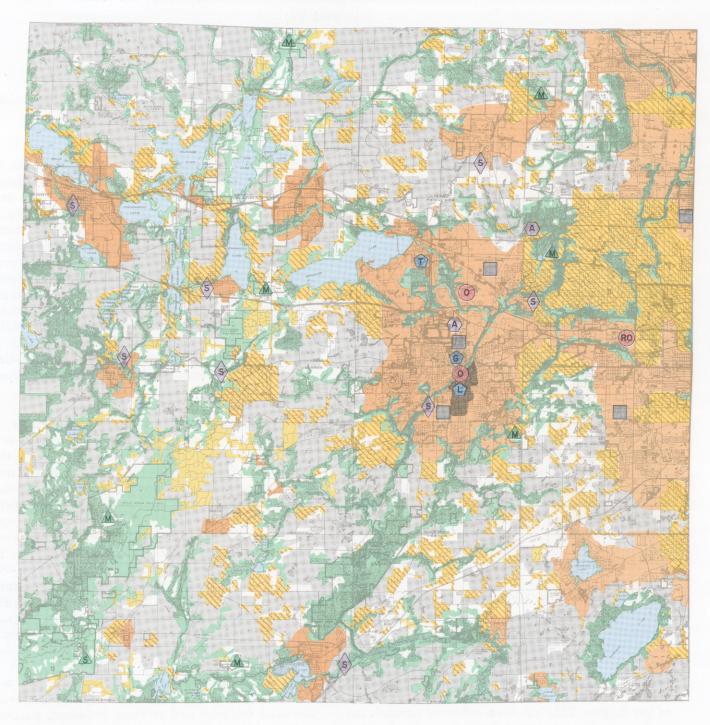
#### Regional Land Use Plan

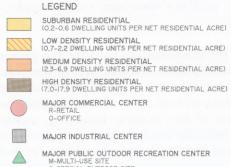
The adopted regional land use plan, set forth in SEWRPC Planning Report No. 40, A Regional Land Use Plan for Southeastern Wisconsin: 2010, and related amendments thereto, is intended to serve as a guide to land use development and redevelopment within the Region. The plan provides for the attainment of specific areawide land use development objectives formulated in cooperation with the local, State, and Federal units and agencies of government concerned and sets forth recommendations regarding the amount and spatial distribution of the various land uses necessary to serve the needs of the existing and probable future resident population and economic activity levels in the Region through the year 2010.

That plan, as it applies to Waukesha County, is graphically summarized on Map 63. The plan sets forth three important recommendations for the Region. The first recommendation calls for the promotion of a relatively compact, centralized regional settlement pattern by encouraging the placement of new urban development generally into a concentric ring along the full periphery of, and outward from, the existing urban centers of the Region. To accomplish this centralized settlement pattern will require modification of existing trends toward decentralization of urban land uses in a highly diffused, low-density pattern throughout the Region. Under the land use plan, new urban development would occur only in areas covered by soils suitable for urban development, which are not subject to such special hazards as flooding and erosion, and which can be readily and efficiently provided with essential facilities and services including, particularly, public sanitary sewerage, water supply, and mass transit.

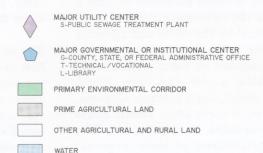
The second recommendation calls for the preservation in essentially open, natural uses of the remaining primary environmental corridors of the Region. These corridors contain most of the important natural resources of the Region, including wetlands, woodlands, wildlife habitat areas, surface waters and associated floodlands and shorelands, as well as

# ADOPTED YEAR 2010 REGIONAL LAND USE PLAN AS IT PERTAINS TO WAUKESHA COUNTY





MAJOR PUBLIC OUTDOOR RECREATION CENTER M-MULTI-USE SITE S-SPECIAL PURPOSE SITE MAJOR TRANSPORTATION CENTER Source: SEWRPC.





such features closely related to those resources as historic, scenic, and recreational sites. The essentially linear primary environmental corridors represent a composite of the best remaining elements of the natural resource base of the Region and have immeasurable environmental and recreational value.

The third recommendation calls for the preservation in agricultural and related uses of most of the remaining prime farmlands in the Region, keeping those lands relatively free from urban intrusion.

In addition, the plan contains specific recommendations regarding the development and maintenance of major regional commercial, industrial, and recreational centers. With respect to major commercial centers, centers providing at least 2,000 retail or 3,500 office jobs, the plan, as it relates to Waukesha County, recommends the maintenance of the Waukesha central business district office center and the Blue Mound Road office-retail center, as well as the development of a new office center in the County at CTH J and IH 94. With respect to major industrial centers, centers providing at least 3,500 industrial jobs, the plan, as it relates to Waukesha County, recommends the maintenance of the five existing centers in the County: Butler, New Berlin, Pewaukee, Waukesha North, and Waukesha South. With respect to major public outdoor recreation centers, centers at least 250 acres in size providing a variety of resource-oriented outdoor recreation activities, the plan, as it relates to Waukesha County, recommends the maintenance of the Menomonee, Minooka, Mukwonago, Naga-Waukee, and Ottawa Lake sites; the acquisition of additional land and development of facilities at the Monches site; and the acquisition and development of a new regional recreation center, Fox Brook Park, formerly Mitchell Park, in the City of Brookfield.

Development Plan for the IH 94 West Freeway Corridor: In 1990, the Wisconsin Department of Transportation requested that the Regional Planning Commission undertake a land use and transportation study of the IH 94 West Freeway Corridor from the CTH T interchange in the City of Waukesha westward to the Jefferson-Waukesha County line. The study was initiated in response to concerns that land use changes were occurring rapidly in the corridor, that such changes were contributing to increased traffic congestion and related problems in the corridor, and that cooperative agreement among Waukesha County and the local governments concerned was needed to formulate a future land use pattern for the IH 94 West Freeway Corridor

and to identify needed supporting transportation improvements. Completed in 1994 and documented in SEWRPC Community Assistance Planning Report No. 201, A Land Use and Transportation System Plan for the IH 94 West Freeway Corridor: 2010, the corridor plan represents a refinement and amendment of the regional land use plan for that area, which encompasses about 60 square miles of Waukesha County.

The recommended land use plan for the IH 94 West Freeway Corridor is shown on Map 64. Implementation of the plan will provide a sound basis for accommodating the strong market demand for commercial and industrial development sites in the IH 94 West corridor, will serve to protect and enhance the natural resource base in the study corridor by protecting environmentally sensitive lands from development, and will provide a sound basis for evaluating how best to extend essential public sanitary sewer and water supply systems to those lands in the corridor recommended to be converted to urban use. The plan seeks to accommodate urban industrial and commercial development at strategic locations in proximity to the IH 94 West freeway so that the resulting urban land use pattern is not one of a continuous strip of commercial and industrial development along the freeway. The plan also seeks to provide a sound basis for the planning, design, and development of transportation facilities and services in the corridor.

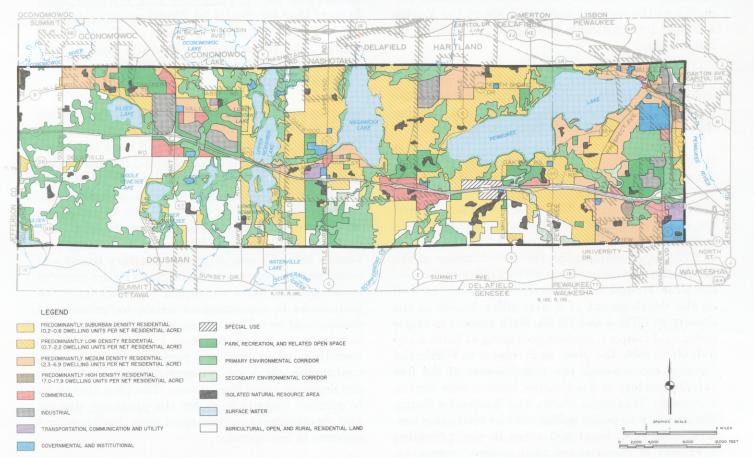
#### Regional Transportation System Plan

The adopted regional transportation system plan, as set forth in SEWRPC Planning Report No. 41, A Regional Transportation System Plan for Southeastern Wisconsin: 2010, describes how the regional land use plan can best be served by highway and transit facilities. Designed to serve and support the regional land use plan, it recommends a functional and jurisdictional system of arterial streets and highways to serve the Region through the design year 2010 and a functional network of various types of transit lines. The regional transportation system plan was developed on the basis of careful quantitative analyses of existing and probable future traffic movements and of existing highway and transit system capacity and use.

The regional transportation system plan, as it applies to Waukesha County, is graphically summarized on Maps 65 and 66. The plan has three basic elements: 1) transportation system management, 2) public transit system maintenance and improvement (see Map 65), and 3) arterial street and highway system maintenance and improvement

Map 64

#### ADOPTED LAND USE PLAN FOR THE IH 94 WEST CORRIDOR: 2010



Source: SEWRPC.

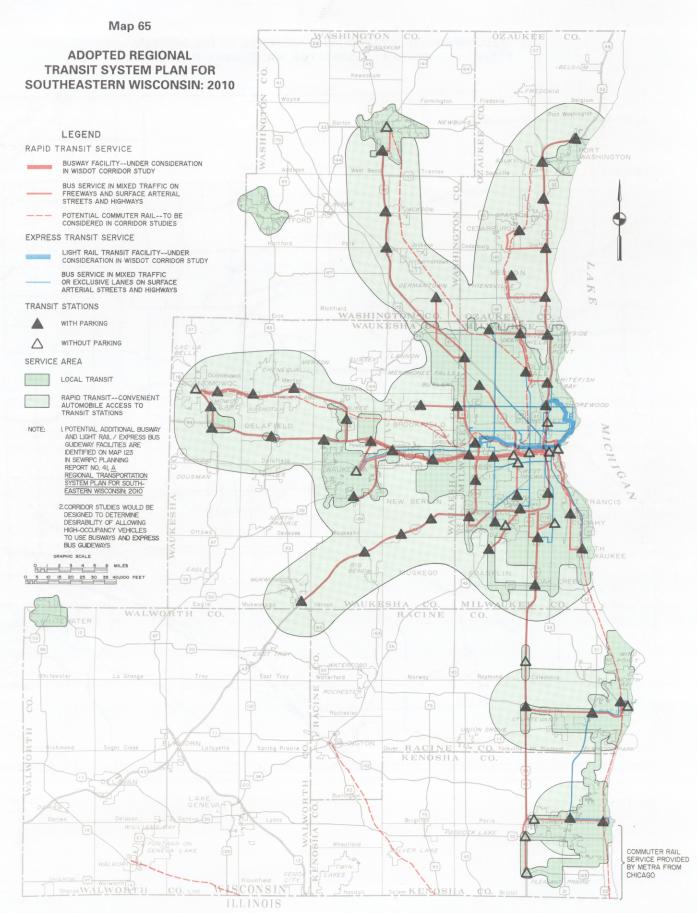
(see Map 66). The transportation system management element includes implementation of the long-proposed Milwaukee-area freeway management system and calls for areawide efforts to promote ridesharing, transit use, bicycle use, telecommuting, work-time rescheduling, and transportation management associations.

The public transit system maintenance and improvement element, as shown on Map 65, calls for transit service in the Region to be increased by about 70 percent as measured in vehicle-miles of service operated. For Waukesha County, this includes a potential commuter-rail passenger route from Milwaukee to Oconomowoc, provision of a total of 19 public transit stations within the County, and the provision of local transit to serve existing or proposed major employment centers in the County.

The arterial street and highway system maintenance and improvement element, as shown on Map 66, for Waukesha County, calls for about 19 route-miles of new surface arterial streets; widening or other significant improvements for about 134 route-miles of arterial streets; and pavement resurfacing and reconstruction, and bridge repair and reconstruction, as may be necessary, for the remaining arterial facilities. In addition, that element calls for the construction of about six miles of new freeway, consisting of the extension of STH 16 from STH 67 to the Jefferson-Waukesha County line, in the Town of Oconomowoc, in Waukesha County.

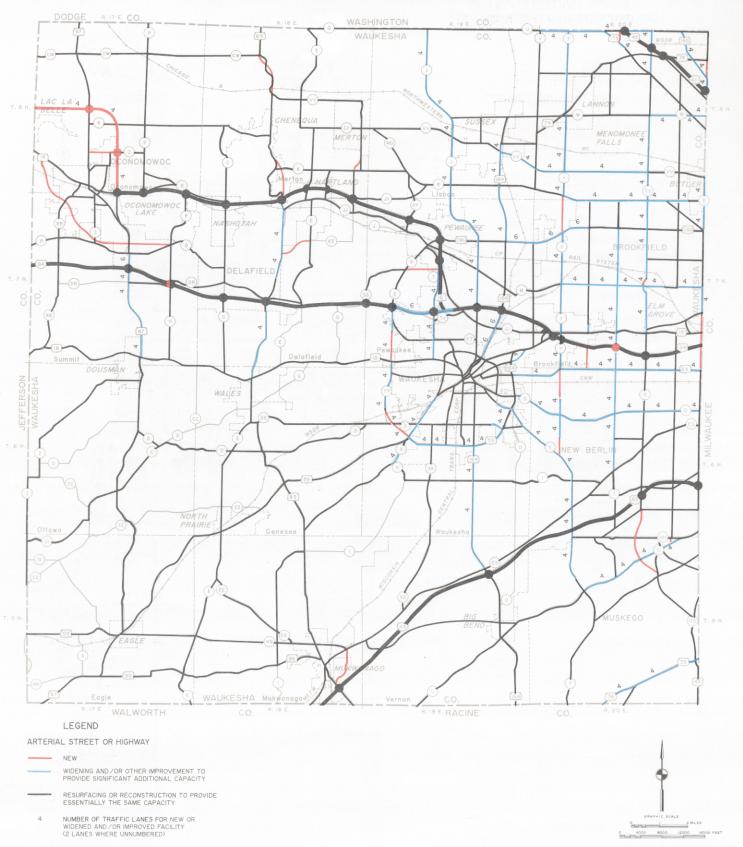
#### Regional Park and Open Space Plan

The adopted regional park and open space plan, described in SEWRPC Planning Report No. 27, A Regional Park and Open Space Plan for South-



Map 66

# RECOMMENDED CAPACITY IMPROVEMENTS TO THE ARTERIAL STREET AND HIGHWAY SYSTEM FOR WAUKESHA COUNTY: 2010



Source: SEWRPC.

eastern Wisconsin: 2000, identifies existing and probable future park and open space needs in the Region and recommends a system of large regional resource-oriented parks, recreational corridors, and smaller urban parks, together with associated recreational facilities, to meet such needs. That portion of the regional plan that applies to Waukesha County was revised and updated in 1989. That update, which was adopted by both the Waukesha County Board of Supervisors and the Regional Planning Commission in 1990, is documented in SEWRPC Community Assistance Planning Report No. 137, A Park and Open Space Plan for Waukesha County, and is shown on Map 67.

Under the park and open space plan for Waukesha County, as amended, seven regional parks, one special regional outdoor recreation site, and 14 other major parks would be provided. The seven regional parks in the County would include Menomonee Park, Minooka Park, Monches Park, Mukwonago Park, and Naga-Waukee Park, all of which are existing Waukesha County parks; the Ottawa Lake Recreation Area, a site owned by the Wisconsin Department of Natural Resources and located within the Kettle Moraine State Forest-Southern Unit; and Mitchell Park, recently acquired by the County and renamed Fox Brook Park, in the City of Brookfield. The special regional outdoor recreation site is Old World Wisconsin, operated by the State Historical Society of Wisconsin and located in the Town of Eagle. The 14 other major park sites in the County would include six existing Waukesha County parks, Muskego Park, Nashotah Park, Retzer Nature Center, Ryan Park, Wanaki Golf Course, and Fox River Park; four proposed new County parks, including Fox Bend Park, in the Town of Vernon, and three proposed sites, one each in the City of New Berlin and the Towns of Eagle and Oconomowoc; two Wisconsin Department of Natural Resources sites, a portion of the Kettle Moraine State Forest—Lapham Peak Unit and Pine Woods Family Campground; and two municipal sites, Wirth Park in the City of Brookfield and New Berlin Hills Golf Course in the City of New Berlin. The plan also recommends extension and linkage of existing recreational corridors; continued acquisition of land by the Wisconsin Department of Natural Resources for the Kettle Moraine State Forest, the Scuppernong Wildlife Area, and the Vernon Marsh Wildlife Area; and continued acquisition, by State and County agencies, of environmental corridors and isolated natural areas located within existing and planned urban service areas.

#### Regional Water Quality Management Plan

The findings and recommendations of the water quality management planning program for Southeastern Wisconsin are described in SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000. The plan has five basic elements: 1) a land use element, consisting of recommendations for the location of new urban development in the Region and for the preservation of primary environmental corridors and prime agricultural lands, this element being the adopted regional land use plan, 2) a point source pollution abatement element, including recommendations concerning the location and extent of sanitary sewer service areas: the location. type, and capacity of, and the level of treatment to be provided at, sewage treatment facilities; the location and configuration of intercommunity trunk sewers; and the abatement of pollution from sewerage system overflows and from industrial wastewater discharges, 3) a nonpoint source pollution abatement element, consisting of recommendations for the control of pollutant runoff from rural and urban lands, 4) a sludge management element, consisting of recommendations for the handling and disposal of sludges from sewage treatment facilities, and 5) recommendations for the establishment of continuing water quality monitoring efforts in the Region.

Of particular importance to the preparation of a County development plan are the sanitary sewer service area recommendations of the water quality management plan. The adopted regional water quality management plan recommended generalized sanitary sewer service areas attendant to each of the existing and proposed sewage treatment facilities within the Region. That plan also recommended that these areas be refined and detailed through the cooperative efforts of the local units and agencies of government concerned so that the service areas ultimately reflect local, as well as areawide, development objectives. Sewer service area refinement plans completed for areas within Waukesha County are listed in Table 60 and shown on Map 68.

The completion of sewer service area plans is a particularly important consideration in the preparation of a County development plan because Chapters NR 110 and ILHR 82 of the Wisconsin Administrative Code require that the Wisconsin Department of Natural Resources, in its regulation of public sanitary sewerage systems, and the Wisconsin Department of Industry, Labor, and Human

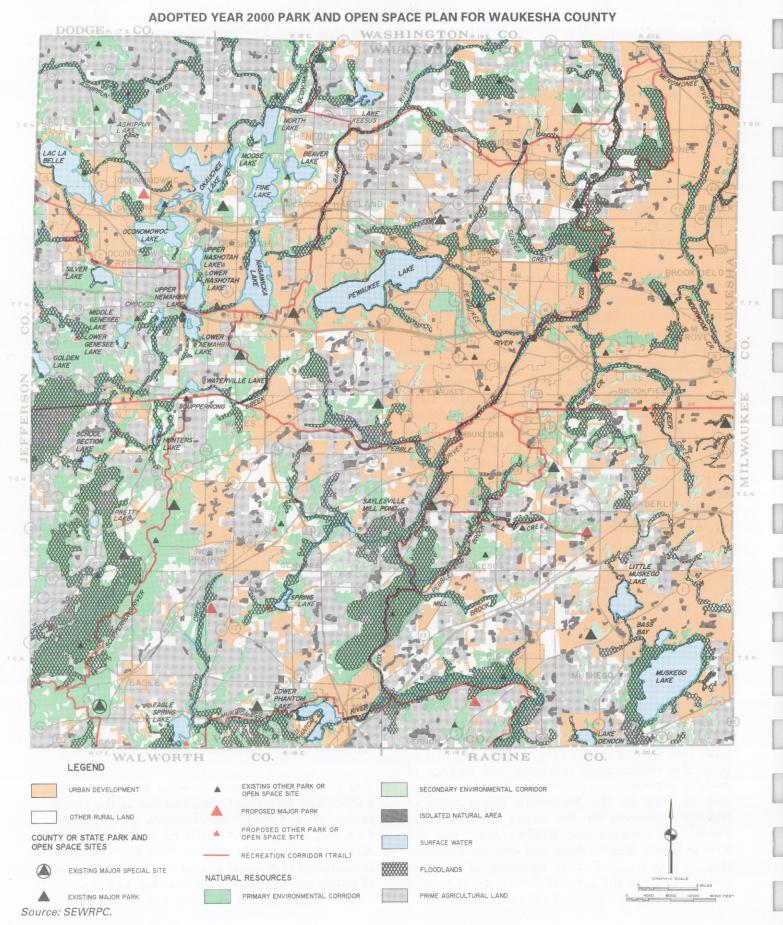


Table 60

SEWER SERVICE AREA REFINEMENT PLANS COMPLETED FOR WAUKESHA COUNTY: 1993

SEWRPC Community Assistance Planning Report Number	Title of Refined Sewer Service Area Study	Date of Approval by Wisconsin Department of Natural Resources	Date of Approva of Most Recent Amendment by Wisconsin Department of Natural Resource
64	Sanitary Sewer Service Area for the City of Muskego, Waukesha County, Wisconsin (2nd Edition)	March 1987	April 1993
84	Sanitary Sewer Service Area for the Village of Sussex, Waukesha County, Wisconsin	March 1984	October 1988
93	Sanitary Sewer Service Area for the Village of Hartland, Waukesha County, Wisconsin	July 1986	May 1993
99	Sanitary Sewer Service Area for the Village of Butler, Waukesha County, Wisconsin	April 1984	
100	Sanitary Sewer Service Area for the City of Waukesha and Environs, Waukesha County, Wisconsin	November 1987	October 1990
109	Sanitary Sewer Service Area for the City and Town of Brookfield and the Village of Elm Grove, Waukesha County, Wisconsin	July 1992	- · ·
113	Sanitary Sewer Service Area for the Town of Pewaukee Sanitary District No. 3, Lake Pewaukee Sanitary District, and Village of Pewaukee, Waukesha County, Wisconsin	July 1986	April 1992
127	Sanitary Sewer Service Area for the City of Delafield and the Village of Nashotah and Environs, Waukesha County, Wisconsin	April 1993	
157	Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin	January 1989	
172	Sanitary Sewer Service Area for the City of Oconomowoc and Environs, Waukesha County, Wisconsin	October 1989	
191	Sanitary Sewer Service Area for the Village of Mukwonago, Waukesha County, Wisconsin	August 1991	
192	Sanitary Sewer Service Area for the Village of Dousman, Waukesha County, Wisconsin	July 1991	
208	Sanitary Sewer Service Area for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin	September 1993	

Source: SEWRPC.

Relations, in its regulation of private connections to public sanitary sewerage systems, evaluate the conformity of proposed sanitary sewer extensions to adopted areawide water quality management plans and the sanitary sewer service areas identified in such plans. If a locally proposed sanitary sewer extension is designed to serve areas not recommended for sewer service in an areawide water quality management plan, the State agencies concerned are required to deny approval of the extension.

The regional water quality management plan has also been refined through the preparation of lake water quality management plans. The Regional Planning Commission has completed such plans for Ashippun, Lac La Belle, North, Pewaukee, Oconomowoc, and Okauchee Lakes (see Table 61). The attendant plan reports describe the physical properties of the lakes; describe the quality of their waters and the conditions affecting that quality, including existing land use and lake use; identify sources of pollution; and recommend means for abatement of pollution and for protection and enhancement of water quality.

The adopted regional water quality management plan also recommends that local agencies charged

Map 68

RECOMMENDED SANITARY SEWER SERVICE AREAS IN WAUKESHA COUNTY: 1993

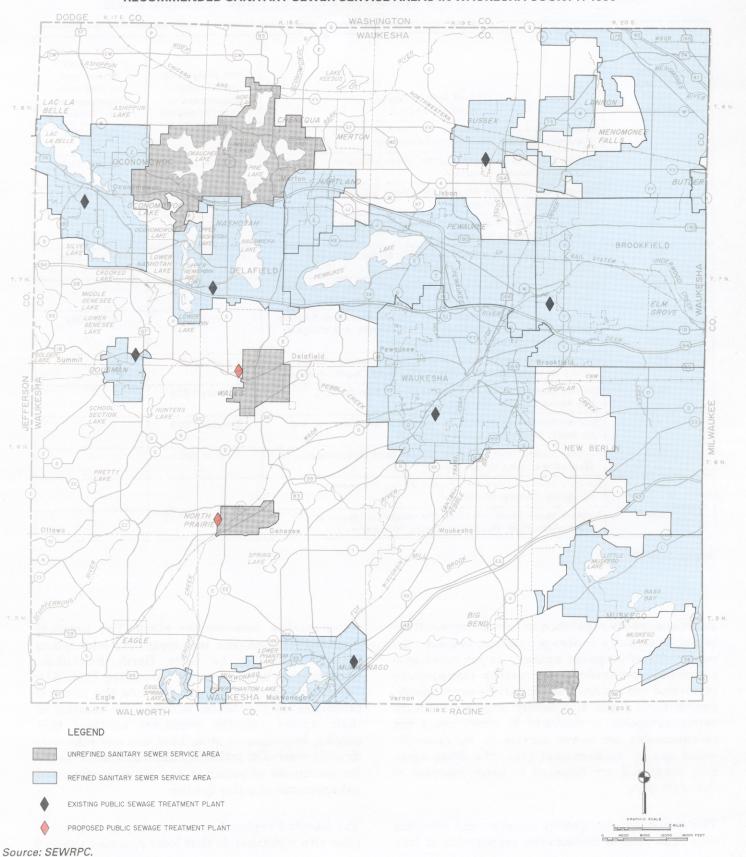


Table 61

LAKE WATER QUALITY MANAGEMENT PLANS COMPLETED FOR WAUKESHA COUNTY: 1993

SEWRPC Community Assistance Planning Report Number	Title of Study	Date of Publication
47	A Water Quality Management Plan for Lac La Belle, Waukesha County, Wisconsin	December 1980
48	A Water Quality Management Plan for Ashippun Lake, Waukesha County, Wisconsin	January 1982
53	A Water Quality Management Plan for Okauchee Lake, Waukesha County, Wisconsin	August 1981
54	A Water Quality Management Plan for North Lake, Waukesha County, Wisconsin	July 1982
58	A Water Quality Management Plan for Pewaukee Lake, Waukesha County, Wisconsin	March 1984
181	A Water Quality Management Plan for Oconomowoc Lake, Waukesha County, Wisconsin	March 1990

Source: SEWRPC.

with responsibility for nonpoint source pollution control prepare refined and detailed local-level nonpoint source pollution control plans on a water-shed-by-watershed basis. To date, priority water-shed nonpoint source pollution abatement plans have been completed in Waukesha County for the Oconomowoc and Menomonee River watersheds. Work is also under way on the preparation of plans for the Upper Fox watershed and for the Little Muskego-Big Muskego-Wind Lakes chain subwatershed.

Each of these detailed plans includes specific recommendations for nonpoint source water pollution abatement in urban areas, including construction site erosion control, improved street sweeping and vegetative debris collection and disposal, roadside and streambank erosion control, landfill site runoff control, stormwater runoff control, and the installation of spent-oil disposal stations. For rural areas, he plans include specific recommendations for improved cropping practices, better livestock waste management, streambank erosion control, and stormwater runoff control.

Each of the priority watershed projects includes a detailed planning phase which lasts from 18 to 24 months, a project "sign-up" phase which begins at the completion of the plan and ends from three to five years later, and a project completion phase which usually ends five years after the end of the project sign-up phase.

## Comprehensive Watershed Plans

In Waukesha County, comprehensive watershed plans have been prepared for the Fox River watershed, documented in SEWRPC Planning Report

No. 12, A Comprehensive Plan for the Fox River Watershed, 1970; the Menomonee River watershed. documented in SEWRPC Planning Report No. 26, A Comprehensive Plan for the Menomonee River Watershed, 1976; and the Root River watershed, documented in SEWRPC Planning Report No. 9, A Comprehensive Plan for the Root River Watershed, 1966. These plans are intended to help protect and restore the environmental quality of watersheds and to resolve serious and costly flooding problems. The plans include integrated proposals for water pollution abatement, flood control, and land use within the respective watersheds. The land use elements of the watershed plans are consistent with the regional land use plan and are specifically intended to avoid the intensification of developmental and environmental problems associated with the development of flood-prone areas, while achieving a more orderly and economical pattern of development.

Each of the watershed plans emphasizes nonstructural approaches to the abatement of existing, and prevention of new, flood problems. Preservation of primary environmental corridors, especially in floodland areas, is considered to be of utmost importance in minimizing the severity of flood problems because of the inherent capacity of such areas to retain floodwaters and stabilize stream flows during periods of high precipitation levels. Each watershed plan also recommends location-specific structural improvements to stream channels, levees along major streams, and creation of detention facilities to abate flood damage.

No study has yet been completed for the Bark and Oconomowoc River watersheds, which are within the larger Rock River watershed, in the western portion of Waukesha County. A prospectus for preparation of a comprehensive plan for the Oconomowoc River watershed was completed by the Regional Planning Commission in 1977, but the planning effort was never undertaken.

Lilly Creek Watershed Plan: A stormwater management and flood control plan for the Lilly Creek subwatershed, which encompasses approximately six square miles in the Village of Menomonee Falls, was completed in 1993. The plan is documented in SEWRPC Community Assistance Planning Report No. 190, A Stormwater Management and Flood Control Plan for the Lilly Creek Subwatershed, Village of Menomonee Falls, Waukesha County, Wisconsin. The plan, prepared at the request of the Village. refines and details the previously adopted comprehensive plan for the Menomonee River watershed and consists of three elements: a stormwater management plan element, a water quality management plan element, and a flood control plan element. It also contains specific recommendations for the development of stormwater management facilities, abatement of nonpoint source pollution. the control of streambed erosion and scouring, and flood control.

#### Regional Airport System Plan

The adopted regional airport system plan, set forth in SEWRPC Planning Report No. 38, A Regional Airport System Plan for Southeastern Wisconsin; 2010, 1987, recommended a coordinated set of airport facility and service improvements intended to provide the Region with an airport system able to serve the commercial and general aviation needs of the area in an efficient and cost-effective manner. With respect to Waukesha County, the plan recommended that Crites Field, operated by Waukesha County, be upgraded from the Basic Transport to a General Utility-Stage II airport classification and continue to serve as the principal airport in the County. This would allow the airport to accommodate larger aircraft, including corporate jets. The recommended major improvements required to upgrade the airport, extending the primary runway and taxiway, installing airfield lighting and navigational aids, and expanding the terminal and storage area, have been completed; the airport is now classified, and functions, as General Utility-Stage II facility.

The regional airport plan also recommended that Capitol Airport be upgraded and designated as a Basic Utility-Stage II facility in order to serve aviation demand in northwestern Milwaukee County, northeastern Waukesha County, and southern Ozaukee and Washington Counties. Most of the recommended improvements have now been completed; Capitol Airport is now classified, and functions, as a Basic Utility-Stage II facility.

Under the guidance of the Technical Coordinating and Advisory Committee on Regional Airport System Planning, a reevaluation and update of the regional airport system plan by the Regional Planning Commission was under way in 1994. The reevaluation of the regional airport system plan was conducted concurrently with a reevaluation of the Statewide airport system plan being undertaken by the Wisconsin Department of Transportation. Like the first- and second-generation regional airport system plans, the purpose of the reevaluation and update is to identify the number, type, and role of those airports required to accommodate the existing and probable future aviation demand in Southeastern Wisconsin. The plan update will provide overall recommendations that address the development, physical improvement, and protection of a basic system of essential airports that serve the commercial, business, recreational, military, sport, instructional, and personal aviation needs of the Region.

## Regional Housing Plan

The adopted regional housing plan, set forth in SEWRPC Planning Report No. 20, A Regional Housing Plan for Southeastern Wisconsin, completed in 1975, represented a concerted effort to identify the nature and extent of the housing problems within the Region, assess the overall effectiveness of past attempts to resolve these problems, and develop an areawide housing plan to meet identified housing needs of the Region.

Importantly, the housing plan provided a set of agreed-upon regional housing objectives and a supporting set of standards pertaining to the provision of decent, safe, and sanitary housing for the Region. These objectives and standards still provide a sound framework and point of departure for the preparation of the housing element of the Waukesha County development plan.

# **COUNTY PLANS**

Countywide plans which are most relevant to the preparation of the Waukesha County development plan include the County agricultural land preservation plan, the County solid waste management